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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/745,299 | 12/20/2000 | Timothy Jon Haataja | 2316.868USC1 | 6995 |

23552 7590 12/18/2001

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EXAMINER

PALMER, PHAN T H

ART UNIT PAPER NUMBER

2874

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,299

Applicant(s)

HAATAJA ET AL.9

Examiner

PHAN TH PALMER

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's cooperation is requested in correcting any error of which applicant may become aware in the specification.

Preliminary Amendment

2. Preliminary Amendment filed 08/23/2001, has been entered.

Information Disclosure Statement

3. The information disclosure statement submitted on 08/23/2001, has been considered by the examiner and made of record. See attached form PTO-1449.

Drawings

4. This application has been filed with formal drawings.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164

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USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 8-37 are rejected under the judicially created doctrine of double patenting over claims 1-4 of U. S. Patent No. 5,937,131 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

*** A cable exit trough mountable to a lateral trough section, the lateral trough section including an upstanding side having substantially uniform height and terminating at a top edge, the exit trough comprising:
an upper portion having a bottom trough surface and two side walls extending from opposite sides of the bottom trough surface to define an exit cable pathway;

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the cable exit trough being releasably mountable to the lateral trough section; wherein, when mounted to the lateral trough, the cable exit pathway extends transversely over the top edge of the upstanding side of the lateral trough section so that cable can be routed upwardly from the lateral trough section over the top edge of the lateral trough section, as claims in claim 8.

*** A cable routing system comprising:

a lateral trough section, the lateral trough section having a bottom portion and two upstanding sides extending from the bottom portion to define a cable pathway, at least one of the upstanding sides having substantially uniform height and terminating at a top edge spaced from the bottom portion; and a cable exit trough, the cable exit trough including a cable guiding portion having a cable exit surface and two side walls extending therefrom to define a cable exit pathway;

wherein the cable exit trough is releasably mountable to the lateral trough section with the cable exit pathway extending over the top edge of the lateral trough section so that cable can be routed upwardly from the lateral trough section, and then over the top edge of the lateral trough section, as claims in claim 22.

*** A cable exit trough mountable to a lateral trough section, the lateral trough section including an upstanding side terminating at a top edge, the exit trough comprising:

an upper portion having a bottom trough surface and two side walls extending from opposite sides of the bottom trough surface to define an exit cable pathway; a lower portion engageable with the lateral trough section; the cable exit trough being releasably mountable to the lateral trough section without cutting the top edge and corresponding upstanding side; wherein, when mounted to the lateral trough, the cable exit pathway extends transversely over the top edge of the upstanding side of the lateral trough section so that cable can be routed upwardly from the lateral trough section over the top edge of the lateral trough section, as claims in claim 36.

*** A cable routing system comprising:

a lateral trough section, the lateral trough section having a bottom portion and two upstanding sides extending from the bottom portion to define a cable pathway, the upstanding sides terminating at a top edge spaced from the bottom portion; and

a cable exit trough, the cable exit trough including a cable guiding portion having a cable exit surface and two side walls extending therefrom to define a cable exit pathway;

wherein the cable exit trough is releasably mountable to the lateral trough section with

the cable exit pathway extending over the top edge of the lateral trough section so that

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cable can be routed upwardly from the lateral trough section, and then over the top edge of the lateral trough section;

wherein the cable exit trough mounts to the lateral trough section without cutting the top edge and corresponding upstanding side, as claims in claim 37.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

CONTACT INFORMATION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHAN TH PALMER whose telephone number is 703-308-4848. The examiner can normally be reached on 4/4 OFF MONDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RODNEY B BOVERNICK can be reached on 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are N/A for regular communications and N/A for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.

PTHP

December 16, 2001

A handwritten signature in cursive script that reads "Phan T. H. Palmer".

PHAN T. H. PALMER
PRIMARY EXAMINER